

Defendants Annette Louder and Oak Shores Community Association were awarded attorney's fees on their special motion to strike. This is the motion for fees seeking a total of \$17,916.10 in attorney's fees and costs. There is no opposition to the motion for fees.

The anti-SLAPP statute provides for an award of attorney fees and costs to the prevailing defendant on a special motion to strike. (§ 425.16, subd. (c).) The defendant may recover fees and costs only for the motion to strike, not the entire litigation. Appellate challenges concerning the motion to strike are also subject to an award of fees and costs, which are determined by the trial court after the appeal is resolved. The defendant may claim fees and costs either as part of the anti-SLAPP motion itself or more commonly, as here, through the filing of a subsequent motion or cost memorandum.

As the moving party, the prevailing defendant seeking fees and costs “ ‘bear[s] the burden of establishing entitlement to an award and documenting the appropriate hours expended and hourly rates.’ To that end, the court may require [a] defendant[ ] to produce records sufficient to provide “ ‘a proper basis for determining how much time was spent on particular claims.’ ” [Citation.] The court also may properly reduce compensation on account of any failure to maintain appropriate time records. The evidence should allow the court to consider whether the case was overstaffed, how much time the attorneys spent on particular claims, and whether the hours were reasonably expended. *Christian Research Institute v. Alnor* (2008) 165 Cal.App.4th 1315, 1318 (Internal citations omitted)

Although the motion is unopposed, it is unclear whether the fee encompasses the entire defense of the matter or only those fees expended on the special motion to strike. Counsel should be prepared to address this issue at oral argument. The Court does not intend to conduct *in camera* review of the billing records unless no other alternatives are available to resolve the issue.